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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Secretary-General on the effective implementation of the Declaration on the Right to Development, prepared in accordance with Commission on Human Rights resolution 1991/15

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INTRODUCTION

1. At its forty-seventh session, the Commission on Human Rights adopted resolution 1991/15, in which it took note of the comprehensive report of the Secretary-General (E/CN.4/1991/12 and Add.1) prepared in accordance with Commission resolution 1990/18, and requested the Secretary-General to submit to the Commission at its forty-eighth session concrete proposals on the effective implementation and promotion of the right to development, taking into account the views expressed on the issue at the forty-seventh session of the Commission, as well as any further comments and suggestions that might be submitted in response to the report on the Global Consultation on the Realization of the Right to Development (E/CN.4/1990/9), transmitted by the Secretary-General to Governments, United Nations bodies and non-governmental organizations in accordance with Commission resolution 1990/18.

2. The present report has been compiled on the basis of over 70 statements and/or comments. In part I some conceptual issues regarding the right to development are discussed. In part II measures taken to implement the right to development at the national and international levels are listed. Part III contains concrete proposals for the further implementation and promotion of the right to development.

I. SOME CONCEPTUAL ISSUES

3. Concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development cannot be made without a short description of how the right to development as a human right is interpreted by the various Governments, organizations and bodies.

A. Indivisibility of human rights

4. On the basis of the statements made and the contributions received, it is possible to discern a fairly large consensus on the indivisible and interdependent nature of all categories of rights.

5. The view is expressed that a person who is in need of but who does not receive assistance from the State is not truly free, and that human dignity is not respected where a State devotes its efforts to raising the standard of living of its citizens while stifling their political, spiritual and cultural aspirations. It is thought that the essence of the debate on the right to development lies in ensuring respect for all fundamental rights, whether economic, social and cultural or civil and political.

6. Too often, in the name of ideology and political practice, the priority accorded to so-called collective rights has become a pretext for the virtual suppression of individual rights and fundamental freedoms. It is therefore hoped that, in the current atmosphere of détente, the political and ideological polemics which have clouded the consideration of human rights issues until now will disappear.

7. The recent substantial improvements in the international climate have favoured the process of democratization and enlarged the area for cooperation. It is hoped that the favourable situation which has proved so beneficial to civil and political rights can now also be extended to economic, social and cultural rights.

8. The view is put forward that respect for economic, social and cultural rights is unquestionably more advanced in the developed countries than in the developing ones. In this regard, the development model adopted by a country is considered decisive in ensuring the applicability of both groups of human rights.

B. Individual and collective rights

9. There is unanimous agreement on the principle that the human person is the subject and not the object of development and, therefore, the main participant in and beneficiary of development. There is less agreement on the questions of the relationship between the individual and the State and the nature of the right to development. Many believe that the latter is both an individual and a collective right and that the development of nations and of individuals are complementary and interdependent.

10. While some express the belief that the right to development is an individual right, it is generally the view that human development should be viewed as a single unified process within the life of the nation as a whole. Similarly, human development is held to be the collective responsibility of the entire community of nations.

11. The freedom of each citizen to participate in the economic and political decision-making process of his or her country is said to be of key importance in ensuring the successful implementation of all human rights and fundamental freedoms.

12. It is considered that the development process is bound to affect groups of individuals and a collective approach is therefore inevitable. To emphasize collective rights might appear to put the individual's prerogatives at risk, but it is stated that the Declaration on the Right to Development rules out that possibility.

C. Active and passive roles of States

13. There is a lack of consensus as to whether States should play an active or a passive role to effectuate human rights. While it is argued that for the observance of civil and political rights the State needs to be passive in order not to violate them, it is also argued that sometimes "negative action" by the State is required, for instance by not practising discrimination. It is maintained that the implementation of economic, social and cultural rights only depends on the State's active pursuit of certain goals, while others argue that both sets of rights should be promoted simultaneously and that civil and political rights cannot be sacrificed in the name of economic, social and cultural rights.

14. With regard to the argument that respect for civil and political rights does not involve costs for a Government, it is stated that in fact costs have to be incurred, for example, to train law enforcement personnel or to guarantee the independence of the judiciary. Also, the supervision of free and fair elections involves considerable organization and expense. In general, it is felt that insufficient financial resources and underdevelopment have a significant negative impact on the promotion of all human rights. It is also postulated that violations of human rights are most prevalent in areas where development has either slowed or stopped.

D. Rights, goals and obligations

15. The opinion is expressed that there is no such thing as a right to development. According to this argument development is a goal which can only be achieved if all individuals are able to contribute to it to the best of their abilities and in conditions of equal opportunity. This depends on respect for the rights of the individual and civil liberties.

16. The majority view, however, is that there is no distinction between rights and goals nor is there a hierarchy of individual rights and civil liberties, and the collective economic, social and cultural rights. All human rights are inextricably linked and the full enjoyment of one is said to be dependent on the realization of the others.

17. The opinion is also expressed that the right to development is an obligation of States towards their citizens. States should establish the necessary social and economic conditions, by means of appropriate political and legal measures, so as to allow individuals to achieve, through their own work, everything they need to enjoy a decent standard of living.

18. Many evoked the link between peace and security on the one hand and economic development and social progress on the other, as embodied in the Charter of the United Nations.

E. Domestic duties versus international obligations

19. Although, in the opinion of many, development is a domestic duty of States, practically all agree that development cannot take place without a favourable international climate. In this regard, the moral duty to show solidarity and to share responsibilities, a favourable international climate to solve debt problems, and a new and equitable economic order based on international cooperation are referred to.

20. It is also felt that development cannot be decreed but has to be sought by the international community, by every State and by each individual. However, moral commitment is not enough and human rights (including the right to development) must be protected by the rule of law, as recognized in the Universal Declaration of Human Rights.

21. Many express concern about the widening gap between the economies of the industrialized world and those of the developing countries and consider that this increasingly unfavourable environment not only contributes to a deterioration in the living conditions of the developing countries but also

endangers the stability of political institutions. In this regard, some refer to the general comment on article 2 (General Comment No.3 (1990)) of the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights at its fifth session in which, inter alia, it stated that "in the absence of an active programme of international assistance and cooperation on the part of all those States that are in a position to undertake one, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries".

22. Some are of the opinion that the Committee on Economic, Social and Cultural Rights should not be restricted to examining domestic factors but should also be empowered to consider external conditions and to make recommendations for improving the international order.

23. The commitment to human rights of the Governments of the developing countries has to be matched by a commitment on the part of the Governments of the industrialized countries to improving the conditions of international cooperation and to contributing to development models within which human rights can be fully exercised. However, external assistance cannot compensate for inappropriate domestic policies and structures in developing countries and wealthy countries cannot be held entirely responsible for the non-realization of economic, social and cultural rights in those countries. But the question is raised as to whether the efforts by developing States to create the conditions to allow individuals a decent standard of living will have any impact in an international economic system that reflects the interests of the most advanced and powerful economies. It is essential that domestic policies are matched by an enabling international environment.

24. A promising development is the inclusion of the concept of the right to development in both the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, adopted by the General Assembly at its eighteenth special session, and in the International Development Strategy for the Fourth United Nations Development Decade, adopted by the General Assembly in 1990. Similarly, the expression by the General Assembly at its eighteenth special session of its firm will to ensure the basic right of all human beings to a life free from hunger, poverty, ignorance, disease and fear is perceived as an important step in the commitment to international cooperation for development.

F. The human dimension

25. Various statements/replies refer to the human dimension of the right to development. Development can no longer be measured solely in terms of productivity, profitability or growth, but should also be evaluated in terms of respect for human dignity and for all fundamental human rights. It is necessary to create the conditions for improving the quality of life for all, if the international community attaches any importance to the right to live in dignity.

26. It is emphasized by many that the Commission on Human Rights is the most appropriate body to focus attention on the human dimension of the right to development while bearing in mind that other international bodies are more qualified to deal with questions of development.

G. Human development

27. Frequent reference is made to the notion of human development, which is defined by the United Nations Development Programme as a process whereby people are given better opportunities, notably for a longer life and better health, education and access to the resources needed for a decent standard of living, along with political freedom, human rights guarantees and self-respect. Unfortunately, many of the rights deriving from the right to development are not equally accessible to all. For reasons often beyond the control of the individual or even the State, the enjoyment of health, education and culture and the desire to give future generations better living conditions have proved to be unattainable for a large part of humanity. Sustained economic progress is essential, because otherwise political stability could be seriously threatened.

28. The opinion is also expressed that the true value of democratization and the exericse of fundamental freedoms cannot be appreciated where they are not matched by economic and social measures.

29. Some refer to the issue of the role of women in development. If women are not freed from the excessive burdens they bear, the greatest resource for development will be wasted. The question is asked how families can be healthy and productive if half the population, the very centre of family life, suffers from severe social and economic discrimination, and is overworked, undernourished, illiterate and at constant risk of unwanted pregnancies. It is urged that women should participate in all development efforts.

H. Development and human rights

30. There is strong disapproval of the use of development aid to apply political pressure for the observance of human rights. Aid programmes are already affected by environmental considerations and other issues. An element such as human rights could complicate aid planning. The fact that poverty exists in a country is not proof that breaches of human rights have occurred. On the other hand, there is a growing recognition that there can be no real development without respect for human rights and no real rights without the resources to exercise them.

31. It is noted that the mere introduction of political pluralism would not transform a society overnight from a poor to a prosperous one, but it would allow people's energies to be released, which is the starting point of any meaningful development.

32. The right to development should not be viewed as a substitute for already recognized rights, but as an instrument for the enhancement of existing and evolving rights. Also, it is emphasized that the struggle for respect of the right to development needs not only to be given due international recognition but also the requisite support and assistance.

33. The Declaration on the Right to Development is understood to have contributed significantly to the concept of human rights as a whole. It has laid the foundation for the integration of the human rights concept into the

planning, execution and evaluation of development projects. It is hoped that with the ending of the inequitable international economic order all countries can create conditions in which human rights and democracy can be fully enjoyed.

II. MEASURES TAKEN SO FAR TO IMPLEMENT THE RIGHT TO DEVELOPMENT

34. Significant progress has been made in the formulation and implementation of national and international measures to affirm the exercise of the right to development as an integral human right at the individual and the collective level, as is evident from the contributions cited below.

A. Measures taken by Governments

35. Many delegations have mentioned that their countries have designed national development plans. One Government has adopted measures to achieve self-sufficiency which call for the participation of all sectors of the population and all groups of society. Another states that defence and observance of human rights is the cornerstone of its social and economic policy to which purpose numerous measures have been adopted with broad participation by the representatives of society, and that a committee has recently been established to ensure more effective observance of human rights and fundamental freedoms.

36. In one country the Government has endeavoured to increase resources for promoting the social integration of the most vulnerable sectors of society, including immigrants. It considers that only a pluralist democracy in which the potential of every individual can find expression permits durable, humane and ecologically sustainable development.

37. One delegation states that it has recently adopted a social charter to ensure the harmonious improvement of the economic and social conditions of the people. It adds that in its view popular participation is of the essence for the realization of the right to development.

38. In another country, the development policies aimed at self-sufficiency in food production and the provision of a universal health service have not yet yielded the desired results, because it has suffered the full effects of the world economic crisis.

39. Some delegations express the view that most developing countries lack the means to undertake development single-handedly and that it is essential that the international community demonstrate as much commitment to the promotion of economic, social and cultural rights as it has to the promotion of civil and political rights.

40. One delegation mentions that on its continent a proper development model has to be identified that will permit the Government to overcome the economic crisis and will provide a response to a whole range of social needs through the consolidation of democracy and the extension of grass-roots participation. Reference is also made to a regional charter that was recently adopted which would help to ensure the implementation of human rights and the participation of the people in development.

41. Another delegation states that its Government has assumed direct responsibility for meeting the most urgent needs of the country. It has renegotiated its external debt to reduce the transfer of resources to levels compatible with its development objectives. It has adopted structural reforms to promote economic recovery. To meet priority needs, the Government has substantially increased expenditure on health, education, housing and basic infrastructure and has allocated substantial resources to a national programme of solidarity for the benefit of the most disadvantaged sectors.

42. Another delegation states that its Government has put in place ambitious policies designed to meet the essential needs of the population. Despite slender resources and a debt burden, marked progress has been made in the social field. Special attention has been paid to education and the elimination of illiteracy, as well as to efforts to meet the demand of women for their full integration in society.

43. In one country, the Government has drawn up guidelines for the implementation of the development process, including the principle of popular participation and democratic solution-seeking through discussion and consensus. This development programme is renewed every five years.

44. Another delegation mentions that the promotion of human rights and democracy is strongly emphasized in its development cooperation programme which corresponds to several of the criteria that were emphasized by the Global Consultation on the Right to Development.

45. It is remarked that it is impossible to pin-point the moment at which the right to development has been realized. The right cannot be quantified and assessed, contrary to civil and political rights, which can be measured by the degree to which States refrain from committing certain acts.

46. Appreciation is expressed for the increasing attention that is currently being given to the full realization of human rights in the economic and social development of countries.

47. Lastly, the joint initiative by the Under-Secretary-General for Human Rights and the Administrator of the United Nations Development Programme concerning cooperation on the human rights dimension of development projects is welcomed by many delegations.

B. Measures taken by United Nations bodies and specialized agencies

48. Many United Nations bodies and specialized agencies have taken initiatives to incorporate the principles of the Declaration on the Right to Development in their activities.

49. The United Nations Centre on Transnational Corporations is at present preparing a United Nations code of conduct on transnational corporations aimed at creating a new international corporate culture which would combine the profit-making function of transnational corporations with a development function. Transnational corporations would be expected to comply, inter alia,

with respect for human rights and fundamental freedoms. The code of conduct is expected to maximize the beneficial contributions that foreign direct investment can make to the development of host countries. The Centre has also developed a set of criteria for sustainable development management, aimed at encouraging transnational corporations to take environmental and developmental considerations into account in their investment decisions.

50. Most of the activities in the areas of education, science, culture, communication and information of the United Nations Educational, Scientific and Cultural Organization (UNESCO) are intended as a response to the problems that impede implementation of the right to development; in fact, many UNESCO standards and documents refer to the right to development. UNESCO wishes to recall the importance in any development process of the components which come under its mandate so as to promote acceptance by the international community of a concept of development which takes account of the cultural dimension and which makes personal advancement and fulfilment the objective of the entire process. The Substantial New Programme of Action for the 1980s for the Least Developed Countries recognized the essential contribution of education to development, which was conceived as an integrated process whose social, cultural and economic components must be given equal weight. Similarly, UNESCO has participated in and initiated many of the activities to meet basic educational needs for all.

51. The World Health Organization (WHO) is of the opinion that the spirit of the Declaration on the Right to Development permeates the policies and all the work that WHO undertakes in cooperation with its member States. Health is an integral part of development. The social goal of health for all by the year 2000 can be achieved through primary health care, which can be characterized as a system of participatory care, rather than care that is subsidized or delivered from the top down as free-service care. It requires the involvement of government at all levels and of people from all walks of life.

52. The World Health Assembly has requested the Director-General to sensitize the international community to the possibility of achieving agreement on health and economic priorities so as to ensure that people everywhere realize their basic human rights to health and well-being, a request that WHO has begun to implement.

53. WHO has also recently taken the initiative on a concerted country-centred strategy aimed at assisting countries to overcome obstacles to the acceleration and implementation of primary health care.

54. Another area to which WHO devotes attention is the relationship between environment and health and its implication for sustainable development. It is also involved in the field of nutrition. Undernourished and malnourished human beings are unable to realize their full potential and to contribute effectively to development efforts. Finally, WHO has adopted an integrated approach to disease control, particularly in countries which lack resources; of particular concern are combating AIDS and drug abuse.

55. The Food and Agriculture Organization of the United Nations (FAO) is proposing to refocus and revitalize its follow-up programme of the World Conference on Agrarian Reforms and Rural Development. It is anticipated that greater attention will be given to formulating policies which promote the rights of the rural poor to adequate productive resources, such as land and water, to employment and to services and democratic institutions in order to bring about a substantial improvement in livelihood and human development.

56. FAO is also assisting interested developing countries in drawing up comprehensive national food security policies and programmes to ensure that all people at all levels are in a position to produce or procure the basic food they need. In addition, FAO is implementing the Plan of Action for Integration of Women in Development which prescribes action designed to enhance rural women's civic, legal and economic rights.

57. The World Food Council stresses that it is impossible to speak in terms of human dignity when there are millions of people who live in poverty and who are in the process of losing the most fundamental of all rights, the right to life. The Council is particularly encouraged that its goals for hunger eradication are included in the text of the International Development Strategy for the Fourth United Nations Development Decade.

58. The World Food Programme (WFP) considers the right to food as the most fundamental of all human rights and a precondition for development. The right to development is in jeopardy wherever the right to food cannot be fulfilled. Food aid, in the opinion of WFP, can be used to accelerate development and self-reliance by removing the obstacles that prevent nations and peoples from exercising the right to development. It contributes to human development since the rations that are provided by WFP and which are always directed to the poor, alleviate the serious effect of undernourishment on human development.

59. WFP has joined forces with other United Nations bodies to conduct pilot studies for the establishment of national food security programmes. Food security entails providing adequate food supplies through domestic production or imports and helping poor households to acquire the food they need, either by growing it themselves or by enabling them to have the income to buy it.

60. WFP has also started food-for-work schemes, land settlement projects and human resource development projects. The last consist primarily of feeding vulnerable groups (such as mothers, infants and preschool children) and supporting education and training. Much emphasis is put on the role of women, who play pivotal roles in both production and consumption in developing countries.

61. The Office of the United Nations Disaster Relief Co-ordinator (UNDRO) draws attention to the numerous linkages between disaster response and the overall development process, as disasters not only limit but actually set back development. It is the view of UNDRO that emphasis should be placed equally on pre-disaster planning and disaster mitigation to reduce the impact of natural disasters on the development process. In its opinion, the longer-term impact of disasters, including increased health hazards, decreased agricultural

production, loss of natural resources, interrupted economic development and a lack of confidence in future development, are far greater than the tangible losses incurred at the time of the disaster.

62. The Second United Nations Conference on the Least Developed Countries adopted in 1990 the Programme of Action for the Least Developed Countries for the 1990s, accompanied by a political declaration. One of the priority areas defined in the declaration is the following:

> "To develop human resources, by making populations, both men and women, the actors and beneficiaries of development, by respecting human rights and social justice, and by applying effective population, health, education, training and employment policies ..."

Many of the paragraphs of the Programme of Action refer directly to the conclusions and recommendations of the Global Consultation on the Right to Development. States are requested, inter alia, to broaden popular participation in the development process and ensure the full utilization of human resources and potential.

63. The Department of Public Information of the United Nations has reprinted the Declaration on the Right to Development in French and Spanish and has published new versions in Arabic, Chinese and Russian, all of which have been widely distributed.

III. CONCRETE PROPOSALS TO IMPLEMENT AND PROMOTE FURTHER THE RIGHT TO DEVELOPMENT

64. As regards the further implementation and promotion of the right to development, many delegations have referred to the recommendations which were drawn up during the Global Consultation on the Right to Development, held in Geneva from 8 to 12 January 1990.

65. The Global Consultation adopted recommendations for action by States, and international and non-governmental organizations. At the State level it was recommended that national policy and development plans should contain explicit provisions on the right to development and the realization of all human rights, especially the strengthening of democracy, including specific criteria for evaluation. States should identify the needs of groups which have experienced the greatest difficulties in gaining access to basic resources, set specific goals for meeting basic needs, establish mechanisms for ensuring participation in assessing needs and identify obstacles requiring international assistance. They should strengthen their juridical systems and ensure that entities under their jurisdiction conduct themselves in a way that does not violate the right to development. All States should ratify the principal instruments in the field of human rights and renew their commitment to the implementation of the United Nations declarations which have been adopted in the field of social development.

66. All States should cooperate in creating an international economic and political environment conducive to the realization of the right to development. In this regard the democratization of decision-making in intergovernmental bodies and institutions dealing with trade and monetary

policy and development assistance was underlined, as well as the need for greater transparency in negotiations and agreements between States and international financial and aid institutions.

67. At the international level it was recommended that all United Nations activities relating to the development process should have explicit guidelines, appraisal criteria and priorities based upon the realization of human rights. United Nations bodies and specialized agencies should be requested to review their mandates and identify those areas of their activity and responsibility which are related to the right to development. The Secretary-General should appoint a high-level committee of independent experts to report annually to the General Assembly, through the Commission and the Economic and Social Council, on progress made in the implementation of the Declaration at the national and international level, on the basis of information received from Governments, intergovernmental bodies and non-governmental organizations. This committee should give priority to the formulation of criteria for the assessment of progress in the realization of the right to development. Appropriate indicators of progress should be designed.

68. The committee should further initiate a programme of development education, with particular emphasis on reaching grass-roots organizations working in the field of development, formulate recommendations for a global strategy to achieve further progress in the enjoyment of the right to development, and promote wider knowledge and understanding of this right as a human right.

69. Implementation of the right to development should be coordinated by the Centre for Human Rights and focal points and/or liaison officers should be established at the relevant United Nations bodies. The question of the implementation of the right to development as a human right should be placed on the agenda of the First and Second Committees of the Economic and Social Council and of the Second and Third Committees of the General Assembly on an annual basis. The General Assembly should organize periodically a plenary debate on international cooperation for the full realization of the right to development.

70. At the non-governmental level, NGOs in the fields of human rights and development should play a leading role in the dissemination of information about human rights, exchange information and coordinate their activities.

71. As can be seen from part II, quite a number of measures have already been taken, both at the governmental and at the international level, to implement the right to development. In this part, emphasis will be placed on other proposals that have been made to implement and promote further the right to development.

A. The right to development and economic policies

72. It is pointed out that there are limits to the extent to which Governments can be held accountable for their record in achieving progress in the area of the right to development. Economic policy is not made in a vacuum and the problems of international debt and a difficult trading environment

have impeded the pursuit of economic, social and cultural rights in many countries. The realization of the right to development is a long-term and arduous task, which requires the coordinated efforts of States and cannot be accomplished through the efforts of human rights organizations alone.

73. The view is expressed that a new world order needs to be set up based on the unity and equality of the human family and taking into account considerations such as ethical, moral, religious and spiritual values. It is also urged that more aid should be granted to the poorest of the developing countries and that the issue of respect for human rights should be viewed as one of the factors of development.

74. Some non-governmental organizations request that the international community devise rules to regulate the various aspects of international relations, including financial operations, taking into account the negative impact of some international financial operations on the realization of the right to development. In their view, causing serious environmental damage should be declared an international crime. Practices and policies of States which impede realization of the right to development should become international offences.

75. Some favour the idea of defining and applying an ethic of development as the only means to avert a confrontation between the right to development and other rights and freedoms.

76. Some are of the opinion that if the right to development is to be implemented, a better control of natural resources, in particular land, must be ensured, due respect being paid to cultural and social structures. In this regard grass-roots organizations can assist the local people to organize themselves and to defend their rights.

77. Concern is expressed about countries where restrictions on collective bargaining and the formation of independent trade unions are compounded by a more general denial of human rights. In the view of some it is particularly alarming that many of the least developed countries opposed any reference to human rights in the final declaration of the Second United Nations Conference on the Least Developed Countries in 1990.

B. World Conference on Human Rights

78. It is suggested that the 1993 World Conference on Human Rights should examine attentively the relationship between development and human rights. The World Conference should give the right to development first priority. It is also suggested that the World Conference should devote attention to the recent transitions to democracy and to the importance of educating and empowering all social groups in order for democracy to become durable.

C. The role of United Nations bodies

79. Many refer to the role that the United Nations should play in the promotion and enforcement of the right to development. It is pointed out that the sums spent on war would be sufficient to save millions of children every year from death by hunger and malnutrition. Some wonder whether the right to

live in dignity still has any meaning when the right to life of unborn children, nursing babies and adolescents is violated for various reasons, the main one being the increasingly widespread poverty of rural populations. It is said that the current world order should be replaced by one that could ensure real development for the peoples of the world in accordance with the Declaration on the Right to Development.

80. It is proposed that the recommendations of the Global Consultation on the Right to Development should be taken into account by all United Nations development bodies. In that regard it is mentioned that United Nations development planning and coordination bodies, as well as intergovernmental bodies, in their operational activities must take as their objectives both the improvement of living conditions and the promotion of human rights which are the guarantees for strengthening world peace. At the governmental level, States should improve economic, social and cultural conditions and facilitate the efforts of individuals and groups to that end.

81. It is suggested that the Commission on Human Rights should request the Economic and Social Council to direct United Nations operational programmes to take explicit account of General Comment No. 2 of the Committee on Economic, Social and Cultural Rights. The idea put forward by the Under-Secretary-General for Human Rights that the Centre for Human Rights should convene an inter-agency conference in order to enhance the dialogue within the United Nations system on ways of integrating human rights in the development process is very much welcomed. There is also support for the idea that the Committee on Economic, Social and Cultural Rights should coordinate more closely with the specialized agencies and the international financial institutions, in accordance with General Comment No. 2.

82. It is suggested that under the United Nations human rights programme more seminars should be held on the right to development, with a special focus such as the promotion of participation in the political process.

83. It is said that, if it is to be realized, the right to development should be placed within a political, social and legal framework of transparent and democratic institutions responsible for the formulation, implementation and monitoring of development programmes. The General Assembly should include in its agenda an overall review of development problems with a view to promoting popular participation in and effective coordination of programmes concerned with the economic and development problems related to the pursuit of civil, political, economic, social and cultural rights.

84. Despite the perseverance and action of many United Nations bodies and specialized agencies, inequitable economic relations continue to exist and are sometimes even strengthened by policies of international financial institutions. A development alternative should be constructed which reconciles the introduction of new technology with social progress, the well-being of all peoples and the expansion of democracy from the political to the economic sphere. Some have suggested the inclusion of a social clause in the Treaty of the General Agreement on Tariffs and Trade which would make trading privileges dependent upon respect for basic workers' rights.

85. In the opinion of the United Nations Centre on Transnational Corporations it is important that any national or international action aimed at promoting the right to development explicitly involves transnational corporations and calls upon them to participate actively in this process. This could be done by ensuring that the new instruments adopted to give effect to the right to development include a reference to the draft code of conduct on transnational corporations and the criteria for sustainable development management. Special attention should be paid to women and indigenous peoples, who are the least able to enjoy the right to development.

86. The United Nations Environment Programme considers that government policies and programmes aimed at the advancement of social well-being and economic development need to incorporate environmental protection and improvement objectives in their design and implementation. In its view, a healthy environment should be considered as a human right.

87. In the view of the Department of Technical Cooperation for Development, concrete recommendations should be made for action by States to tackle the issue of poverty in both developed and developing countries. Access to productive employment, education, health, shelter, clean water and sanitation should be specified in the recommendations. In addition, further concrete recommendations are required for measures at the interntional level to ease the burdens of adjustment.

88. For the World Food Programme, the right to development can only be assured if poverty and hunger are overcome. To achieve this goal an appropriate overall economic policy framework and a commitment by developing country Governments to address explicitly the problems of poverty, hunger and the right to development are essential. This will require greater resource transfers. Access to food by the poor is a vital necessity which can be best assured on a sustained basis by increasing their productivity, employment, incomes and assets. The pivotal role that women play in food security should be fully recognized and supported. Human resources development should be promoted as the bedrock of true self-reliance and from the point of view that the human person is the central subject of development.

89. The Office of the United Nations High Commissioner for Refugees has explored the link between refugee aid and development assistance and has found that development can significantly aid the resolution of refugee problems and the prevention of exoduses by mitigating their root causes. Social and economic development could ensure that refugee solutions do not unravel, for example by avoiding the situation where a refugee who has returned home voluntarily is forced to leave again because of poor conditions.

D. High-level committee of experts

90. Some support the idea of appointing a high-level committee of independent experts with relevant experience in the field of human rights and development who would report annually to the General Assembly on progress made in the implementation of the Declaration on the Right to Development. Obstacles to

the implementation of the Declaration are foreign debt, trade imbalances, poverty and structural weaknesses due to an unjust international economic order.

91. The United Nations Educational, Scientific and Cultural Organization suggests that inter-agency collaboration be strengthened and a coordinating machinery be established in the areas of the promotion and protection of human rights, the campaign against discrimination, racism and apartheid, the participation of women, and the rights of indigenous peoples and other vulnerable groups. On the basis of its experience, UNESCO believes that it could be more useful and less expensive to establish an inter-agency commission rather than a high-level committee of experts.

92. Others doubt whether setting up such a committee would be an effective means to monitor progress in the implementation of the Declaration. The existing United Nations bodies which deal with development should take into account the recommendations of the Global Consultation.

E. Indicators and criteria

93. There is wide support for the idea of formulating criteria to measure progress of the right to development. The Commission on Human Rights should pursue the idea of "bench-marks", including the provision of statistics indicating progress over time.

94. Methods should be improved for measuring progress, both quantitatively and qualitatively, in the enjoyment of human rights. The United Nations should stimulate and support regional activity in the field of measurement rather than seek or promote universal standards of measurement. It would be inappropriate to rely on "experts" to design standards for the measurement of progress. Grass-roots organizations which would represent the people whose human rights are in question should be involved in the discussion of measurement methods, as well as in the design of country programmes. This could be done on a regional level, as was recommended by the General Assembly in its resolution 45/97.

95. It is recommended that technical seminars be organized in each region to discuss problems related to the measurement of the quality of the exercise of human rights. Subsequently, a high-level meeting of governmental and non-governmental experts could consider the effectiveness of human rights coordination and monitoring mechanisms within the United Nations system. At those meetings due attention should be paid to the issue of the costs of measuring and implementing the right to development.

96. Reference is also made to Economic and Social Council resolution 1990/45 in which the Council suggested holding a seminar to discuss the nature of indicators.

97. A seminar on indicators should deal not only with indicators that could help to measure achievement of the right to development, but also with indicators that could reflect the obstacles that Governments face in the realization of that right.

98. Concrete suggestions have been made to group the criteria for the assessment of the progress achieved in implementing the right to development, as suggested by the Global Consultation, as follows:

(a) Conditions of life, including the satisfaction of basic material needs, as well as individual freedom and security;

(b) Conditions of work, including equal opportunities for employment, accessibility and quality of work, participation in management;

(c) Equality of access to resources and to the results of development; and

(d) Participation, including democratically organized processes of political decision-making.

99. In addition, it is considered that the elaboration and implementation of the above-mentioned criteria will require special attention to be paid to the question of indicators, i.e. quantifiable facts reflecting the situation in society with respect to each particular criterion. It is emphasized that this does not imply direct use of statistical data in reviewing the implementation of human rights, but rather an indication of the actual situation in those fields of human and social activity which are crucial for the realization of the right to development, and therefore of other human rights as well. The use of indicators will not require entirely new activities, since it will be possible to make use of the work done on indicators within the United Nations system.

100. The Committee on Economic, Social and Cultural Rights should take the realization of the right to development into account in formulating general comments and in reviewing States parties' reports.

101. A few think that the criteria suggested by the Global Consultation are complicated and intrusive. In their opinion this highlights the problem in giving legal effect to the concept of the right to development. Legislation on the right to development would be counter-productive as it would be difficult, if not impossible, to enforce. It is also unrealistic to expect States to have the resources to provide the detailed statistics that the proposed criteria would require. In this regard they would prefer streamlining the criteria into broad categories of political, social, economic and cultural concerns, with the emphasis on participation.

102. The International Labour Organisation has expressed its wish to cooperate in the design of indicators as well as in a programme of development education as recommended by the Global Consultation.

103. The World Food Council agrees that formulating criteria for measuring progress in the realization of the right to development is important for the success of future efforts to implement that right, but wishes to stress that the criteria should be simple and straightforward and that overlapping with ongoing monitoring work should be avoided.

F. Role of the Commission on Human Rights

104. It is noted with satisfaction that opposition has diminished among those who consider that the Commission on Human Rights is not an appropriate forum to discuss questions of development and its relationship to the rights of the individual. The belief is expressed that if the Commission on Human Rights is not to lose its position as the principal United Nations body entrusted with the promotion of human rights, it should not rule out consideration of major topics such as the environment, development or security which have a direct bearing on human rights.

105. While it is agreed that the main debate on the subject of economic and social development of countries should take place in other United Nations bodies, the Commission on Human Rights should give recognition and support to these bodies in view of the increasing attention being given to the importance of the full realization of human rights in the economic and social development of countries. Even though the Commission cannot undertake action, it can nevertheless emphasize people's basic needs.

106. It is also stated that the Commission on Human Rights should pursue its analysis of the relationship between the external debt problem and the realization of human rights in the light of the right to development.